

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

| | | |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 21-CR-00147-01-DGK |
| |) | |
| KEITH T. BROWN, |) | |
| |) | |
| Defendant. |) | |

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

On February 16, 2022, this Court adopted the Report and Recommendation of the Honorable Magistrate Judge W. Brian Gaddy and found Defendant was not competent to stand trial at that time. ECF No. 26. Pursuant to 18 U.S.C. § 4241(d)(1), Defendant was hospitalized for treatment to determine whether there is a substantial probability he would attain capacity to permit the trial to proceed. On February 2, 2023, a forensic evaluation report was issued by Kristen M. McDaniel, Psy.D., finding him currently competent to stand trial. ECF No. 34.

On March 14, 2023, Judge Gaddy conducted a competency hearing. At the hearing, the parties stipulated that Judge Gaddy could consider the forensic report from Dr. McDaniel as if she had testified at the hearing. ECF No. 40.

On March 16, 2023, Judge Gaddy entered a Report and Recommendation that Defendant is presently competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense. ECF No. 39. Neither party has filed an objection to the Report and Recommendation, and the time to do so has now passed.

After an independent, de novo review of the record and applicable law, the Court ADOPTS the Report and Recommendation of Judge Gaddy in its entirety, and the Court finds that Defendant

is competent to stand trial at this time because he is able to understand the nature and consequence of the proceedings against him and to assist properly in his defense.

IT IS SO ORDERED.

Date: April 4, 2023

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT